

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

CrL.MC.No. 1075 of 2007()

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(CBCID CRIME 181/2004OF TRIVANDRUM)
CC.7/2006 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM
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PETITIONER/ACCUSED

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ANSARI,S/O HAMSAKUNJU
RESIDING AT BLOCK NO.3,
HOUSE NO.135, KALAYAPURAM
PERINGAMALA VILLAGE, NEDUMANGAD TALUK**

**BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR**

RESPONDENT: / COMPLAINANT

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STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR, SRI.S.U.NAZER

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

R. BASANT, J.

CRL.M.C.NO. 1075 OF 2007

Dated this the 3rd day of April, 2007

ORDER

The petitioner faces allegations, inter alia, under Sec.471 of the IPC. He was arrested and released on bail at the crime stage. According to the petitioner, he had no knowledge of the final report or the cognizance of the offences by the learned Magistrate. He has not appeared before the learned Magistrate. He now finds himself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the

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learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling

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and exceptional reasons are there.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge